

Peru¹

SETTLEMENT OF CLAIMS

Convention signed at Lima March 17, 1841

Senate advice and consent to ratification January 5, 1843

Ratified by the President of the United States January 12, 1843²

Ratified by Peru provisionally in 1843

Ratifications exchanged at Lima July 22, 1843²

Proclaimed by the President of the United States February 21, 1844²

Approved by the Peruvian Congress, with a modification, October 21, 1845³

Senate advice and consent to ratification, as modified, May 29, 1846

Ratified by the President of the United States, as modified, June 1, 1846

Ratified by Peru October 8, 1846

Ratifications exchanged at Lima October 31, 1846

Entered into force October 31, 1846

Proclaimed by the President of the United States January 8, 1847

Terminated upon fulfillment of its terms⁴

8 Stat. 570; Treaty Series 275⁵

The United States of America and the Republic of Peru, desirous of consolidating permanently, the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a Convention that shall determine exactly, the responsibilities of Peru, with respect to the claims of certain citizens of the United States against her: And with this intention, the President

¹ See also PERU-BOLIVIAN CONFEDERATION, *ante*, p. 987.

² In the light of the modification later proposed by Peru, the first United States ratification and proclamation, and the first exchange of ratifications, were ineffectual.

³ The modification proposed by Peru called for payment of the first annual installment of \$30,000 referred to in art. II to be paid on Jan. 1, 1846, and the interest on this annual sum, according to art. III, to be calculated and paid from Jan. 1, 1842.

⁴ For a discussion of the settlement, see Moore, *International Arbitrations*, vol. V, p. 4591.

⁵ For a detailed study of this convention, see 4 Miller 333.

of the United States has appointed James C. Pickett, Chargé d'Affaires of said States, near Peru, and His Excellency the President of the Republic of Peru, has appointed Don Manuel del Rio, Principal Officer of the Department of Finance, Acting Minister of the same Department and supernumerary Councillor of State; and both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles:

ARTICLE I

The Peruvian Government, in order to make full satisfaction for various claims of citizens of the United States, on account of seizures, captures, detentions, sequestrations and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority,—has stipulated, to pay to the United States, the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

ARTICLE II

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States, to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty four,⁶ and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

ARTICLE III

The Peruvian Government agrees also, to pay interest on the before mentioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January one thousand eight hundred and forty two, and the interest accruing on each instalment, shall be paid with the instalment. That is to say; interest shall be paid on each annual instalment, from the first day of January one thousand eight hundred and forty two.

ARTICLE IV

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and value as those now coined at the Mint in Lima, and the annual payments, as well as the accruing interest may be exported from Peru, free of all duty whatever.

⁶ See footnote 3, p. 999.

ARTICLE V

There shall not be demanded of the Government of Peru, any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned Esquire, when Chargé d’Affaires of the United States, near Peru. But the claims subsequent to those presented by Mr. Larned, to the Government of Peru, shall be examined and acted upon, hereafter.

ARTICLE VI

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the Custom House at Callao, which shall be endorsable in sums of any amount, and receivable in the Treasury, as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash, at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government.

ARTICLE VII

This Convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner, if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru. In witness whereof, the respective Commissioners have signed the same, and affixed thereto their seals.

Done in triplicate at the City of Lima, this seventeenth day of March, in the year of Our Lord one thousand eight hundred and forty one.

J. C. PICKETT	[SEAL]
MANUEL DEL RIO	[SEAL]